



City of Somerville

ZONING BOARD OF APPEALS

City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143

DECISION

CASE NUMBER: P&Z 22-018
Owner Fidelis Bridge Loan Venture V REO, LLC
OWNER ADDRESS: 255 State Street, 7th Floor, Boston, MA 02109
DECISION: Approved (Permit Extension)
DECISION DATE: May 18, 2022

This decision summarizes the findings made by the Zoning Board of Appeals (the "Board") regarding the development review application submitted for 595 Broadway.

LEGAL NOTICE

Fidelis Bridge Loan Venture V REO LLC seeks to extend the validity of two (2) special permits (ZBA 2018-94) for one (1) year.

RECORD OF PROCEEDINGS

On May 18, 2022 the Zoning Board of Appeals held a public hearing advertised in accordance with M.G.L. 40A and the Somerville Zoning Ordinance. Present and sitting at the public hearing were Board Members Chair Susan Fontano, Acting Clerk Katherine Garavaglia, Anne Brockelman and Ann Fullerton. Attorney Michael Barone Jr gave an overview of the requested permit extension for two special permits. After a presentation from the Applicant's representative, Chair Fontano opened up public testimony. One member of the public made a comment about the current property and how it has been unkept for years. Chair Fontano asked the applicant when the foreclosure went through and when the current owner obtained the property. Chair Fontano encouraged the Applicant to be a good neighbor as they move forward with developing the property. The Applicant responded they plan on starting construction as soon as they receive all necessary approvals. Chair Fontano asked staff when the new expiration date will be if the Board granted the extension. Staff responded that due to permit tolling per the State of Emergency due to Covid-19, the current expiration date for the Permits was February 10, 2022 and the new permits would expire February 10, 2023, if the extension was granted. The Applicant applied for the extension before the original expiration date, and could there be granted an extension. After the public testimony section was closed, Acting Chair Garavaglia asked if a general contractor has been selected for construction. The Applicant's representative responded by saying they do not know. Chair Fontano responded by advising the Applicant to talk with the Ward Councilor and find out how they can work with them in the future to make sure everything runs efficiently. After discussion, the Board moved on to vote on the permit extension request.

CONSIDERATIONS & FINDINGS

Upon written request by an Applicant, the Zoning Board of Appeals may, in its discretion, extend the time period that a Special Permit remains valid for up to one (1) year. The Somerville Zoning Ordinance does not require any findings to be made.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Clerk Garavaglia moved to approve the requested extension of two previously approved Special Permits (ZBA 2018-94). Ms. Brockelman seconded. The Board voted **4-0** to approve the permit extension request.

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chair*
Katherine Garavaglia, Acting Clerk
Anne Brockelman
Ann Fullerton



Sarah Lewis, Director of Planning, Preservation & Zoning
Office of Strategic Planning & Community Development

CLERK'S CERTIFICATE

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 15.5.3.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on _____ in the Office of the City Clerk, and twenty days have elapsed, and

FOR VARIANCE(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
 _____ any appeals that were filed have been finally dismissed or denied.

FOR SPECIAL PERMIT(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
 _____ there has been an appeal filed.

FOR SITE PLAN APPROVAL(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
 _____ there has been an appeal filed.

Signed _____ City Clerk Date _____